

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/2008 has been entered.

Claims 1-21 were previously canceled. Claims 23, 28-39 are currently canceled.

Claims 22, 24, 25, 26, 27 are currently amended and pending for examination.

Drawings

2. Drawings filed 8/31/2001 are accepted.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Frantz on 8/31/2008.

The application has been amended as follows:

A. AMENDMENTS to the SPECIFICATION

Paragraph [0015] on page 6 is amended as follows:

[0015] An ad (23) located on the page is delivered typically from a separate server such as and Ad Server (6), through a common web page inclusion method in the code for the page content, such as a direct hyperlink (25) to the advertising object on the ad server (5), or ~~through an a~~ Hyper Text Markup Language (HTML) "include" statement. These ad objects are typically graphic image files, such as Graphic Interchange Format (GIF) or Joint Photographic Experts Group (JPEG), additional web page code such as HTML, or even audio or video clips such as "WAV" or "AVI" files.

B. Claim 22 is currently amended as follows:

Claim 22 (currently amended): A method for preserving battery life for a portable networked client device, said method comprising:

providing a web page content web server with a set ~~at least two sets~~ of non-advertisement web objects for a web page, said web page containing at least one inclusion method to one or more advertisement objects stored on an advertisement server separate from said non-advertisement web objects including at least one set of web objects previously designated as advertisement objects, and including at least one set of web objects previously designated as non-advertisement objects;

receiving by said web server a battery condition and a page request for said web page from a networked client device;

responsive to said battery condition being low, transmitting said non-advertisement web objects from said web page content web server to said networked client device, and avoiding incremental battery energy consumption of said networked client device to process, execute and display said advertisement web objects by restricting download of said advertisement web objects from said advertisement server to said networked client device.

4. The following is an examiner's statement of reasons for allowance:

Claims 22, 24-27 are allowed wherein claim 22 is independent and claims 24-27 are dependencies of claim 22.

Reasons for Allowance: The prior art of record, alone or combined, does not anticipate or render obvious the currently amended limitations, as a whole, that is a method for preserving battery life for a portable networked client device, said method comprising providing a web page content web server with a set of non-advertisement web objects for a web page, said web page containing at least one inclusion method to one or more advertisement objects stored on an advertisement server separate from said non-advertisement web objects receiving by said web server a battery condition and a page request for said web page from a networked client device, responsive to said battery condition being low, transmitting said non-advertisement web objects from said web page content web server to said networked client device, and avoiding

incremental battery energy consumption of said networked client device to process, execute and display said advertisement web objects by restricting download of said advertisement web objects from said advertisement server to said networked client device.

5. Discussion of the best prior art : The applicant's arguments, filed 9/6/2008, pages 6-8 are compelling and persuasive. The best prior art of record McLain (US Patent 6,493,758) and Agrawal (US Patent 6,108,316), alone or combined, neither anticipates nor renders obvious the currently amended steps, inter alia:

, providing a web page content web server with a set of non-advertisement web objects for a web page, said web page containing at least one inclusion method to one or more advertisement objects stored on an advertisement server separate from said non-advertisement web objects receiving by said web server a battery condition and a page request for said web page from a networked client device, responsive to said battery condition being low, transmitting said non-advertisement web objects from said web page content web server to said networked client device, and avoiding incremental battery energy consumption of said networked client device to process, execute and display said advertisement web objects by restricting download of said advertisement web objects from said advertisement server to said networked client device.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex/Hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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